IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:16CR329-4
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
v.	)	
	)	
TARIQ SAYEGH,	)	GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT SAYEGH'S THIRD MOTION TO MODIFY CONDITIONS OF BOND
Defendant.	)	
	)	

Now comes the United States of America, by and through its counsel, David A. Sierleja, Acting United States Attorney, and Om M. Kakani, Assistant United States Attorney, and hereby opposes Defendant Tariq Sayegh's *Third Motion to Modify Conditions* (R. 167, PageID 1020). For the most part, Defendant Sayegh repeats arguments he previously made at his arraignment and in his prior motions. For the reasons stated below and those set forth in the Court's previous orders (R. 81, PageID 499) Defendant presents no change in circumstances warranting a modification of his conditions of release, and his motion should be denied in full.

Defendant adds in his *Third Motion* that the GPS device he is required to wear as a condition of his release and his generous curfew from 9:00 p.m. to 5:30 a.m. are impediments to his ability to practice dentistry, gain employment and to engage with family and friends. Defendant offers this argument without justification or an offer of proof as to why or when, as a dentist, the GPS device hinders or has hindered his ability to render services to patients. The GPS device attached to his ankle does not physically prevent him from performing dental work with his hands. Defendant also abstractly states, again without an offer of proof, that the device has denied him opportunities for employment. Defendant ignores that he is charged by means of a public indictment, and his status as a criminal defendant is not a secret to the public or potential employers and patients, especially those who would conduct due diligence beyond looking at his pant leg.

Moreover, Defendant is afforded a very generous curfew that permits him to remain out of his house over 15 hours a day, from as early as 5:30 a.m. to as late as 9:00 p.m.. Unless Defendant claims that this entire time is spent tending to patients, a statement that would stand in stark contrast to his claims that his business and practice have suffered, this curfew offers him a generous opportunity to engage in a social life in addition to his employment. Defendant alternatively claims that the GPS device and curfew prevents him from enjoying time with his family. However, his only family in the United States, his mother and brother, are not even in this district but instead reside in Alabama. Nothing about the GPS device or curfew prevents Defendant's family from coming to the Northern District of Ohio to enjoy quality time with him. Nor do the conditions of release prevent him from socializing with his friends in his home.

Defendant claims that the delay in trial in this matter to which, while voicing reservations, he did consent, is somehow a changed circumstance warranting a modification of his conditions of release. Defendant agreed to the conditions of his release at his arraignment, when his exact trial date was unknown. Since then Defendant's status as a criminal defendant has not changed. The charges against him have not changed. The penalties he faces if convicted have not changed. The evidence against him has not changed. The fact that he is under pre-trial supervision, and not detention, also has not changed. In short, nothing has changed from Defendant's arraignment except for the amount of time that he may remain free on bond pending trial, which has increased. This does not amount to a changed circumstance warranting a modification of his conditions of release.

Defendant's reliance on the 1995 extradition treaty in effect between Jordan and the United States is also misplaced. First, this 22-year-old treaty does not constitute a new or changed circumstance in this case. Second, Defendant's argument assumes that such treaties are regularly and reliably enforced, especially by a country against its own citizens; and he further assumes that the process of international extradition is a mere formality. Defendant has not shown this to be the case and the process itself is subject to a wide variety of factual and geopolitical factors that cannot be reduced to the canard that a treaty alone is sufficient to warrant removing Defendant's GPS device and guarantee Defendant's future presence. Finally, this argument also assumes that Defendant would only travel to Jordan and not any other neighboring or nearby countries that do not have extradition treaties with the United States.

For the reasons stated above, the government submits that this Court should deny Defendant Tariq Sayegh's *Third Motion* in full.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May 2017 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Om Kakani
Om Kakani
Assistant U.S. Attorney